

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARTIN W. JONES,

Plaintiff,

v.

TONY MARSAGLIA, *et al.*,

Defendants.

CIVIL ACTION
NO. 19-04678

ORDER

AND NOW, this 12th day of November 2020, upon consideration of Defendants' Motions to Dismiss, (ECF Nos. 37, 38, 39), and Plaintiff's Response¹, (ECF No. 40), it is hereby **ORDERED** that:

1. Defendants Kaminsky and Marsaglia's Motion is **GRANTED** and all claims against them are **DISMISSED with prejudice**;
2. Defendant Najera's Motion is **GRANTED** as to Plaintiff's Fourth Amendment claim based on the search of his home and Plaintiff's conspiracy claim. Those claims are **DISMISSED with prejudice**; and
3. Defendant Mallery's Motion is **GRANTED** as to Plaintiff's Fourth Amendment claim based on the search of his home and Plaintiff's conspiracy claim. Those claims are **DISMISSED with prejudice**. The Motion is **DENIED** as to Plaintiff's Fourth Amendment claim based on the alleged cell phone searches.

¹ Although Defendants filed their Motions to Dismiss on the same day, Plaintiff's Response refers only to Kaminsky and Marsaglia's Motion. Any response to the other Motions to Dismiss is more than four weeks late, but the Court treats all Motions as contested and addresses all the issues as to all Defendants on their merits.

BY THE COURT:

/s/ *Gerald J. Pappert*
GERALD J. PAPPERT, J.